

SEALED

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
WEST PALM BEACH DIVISION

CASE NO. 23-80101-CR-CANNON(s)

UNITED STATES OF AMERICA,

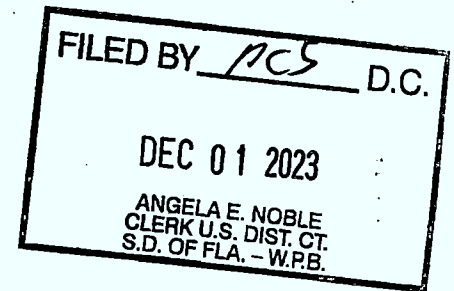
Plaintiff,

v.

UNDER SEAL

DONALD J. TRUMP,
WALTINE NAUTA, and
CARLOS DE OLIVEIRA,

Defendants.



GOVERNMENT'S RESPONSE TO THE COURT'S DECEMBER 1, 2023 ORDER

The Government files this response to the Court's Paperless Order issued today (ECF No. 228).

On November 22, 2023, the Government filed an *ex parte* motion to exceed page limits for its upcoming filing under Section 4 of the Classified Information Procedures Act ("CIPA"), 18 U.S.C. App. 3, seeking to file a single consolidated motion in lieu of multiple motions. ECF No. 222. The Court has since ordered that motion unsealed. ECF No. 228. On November 28, the Court entered a sealed *ex parte* order denying the Government's motion as to its *ex parte* nature and otherwise denying the Government's motion without prejudice, allowing the Government to refile a sealed, non-*ex parte* motion. ECF No. 224. On November 29, 2023, following conferral with counsel for all defendants, the Government filed a Sealed Consent Motion to Exceed Page Limits, requesting permission to file a single motion of up to 85 pages under CIPA Section 4, rather than multiple motions of shorter length. ECF No. 225. The Court has since ordered that motion unsealed as well. ECF No. 228.

On November 29, 2023, the Court issued a Sealed Order permitting the Government to exceed the page limits imposed by the Local Rules, but directing that it file three separate motions rather than one. ECF No. 226. The Court has since ordered its Order unsealed. ECF No. 228.

On November 30, 2023, following conferral with the Government, the three defendants filed a joint motion to unseal ECF Nos. 222, 223, 224, 225, and 226. ECF No. 227. In conference with defense counsel, the Government did not oppose unsealing those documents, save for certain portions of ECF Nos. 223 and 224, as to which it desired limited redactions. The defendants did not oppose the Government's request, but reserved the right to challenge the redactions later. ECF No. 227 at 4.

Today, the Court issued an Order directing that ECF Nos. 222, 225, and 226 be unsealed, and directing the Government to "transmit unredacted copies of docket entries 223 and 224 to Defendants." ECF No. 228. The Government has done so. The Court also ordered the Government to file under seal but not *ex parte* a response to defendants' motion to unseal justifying the redactions, notwithstanding defendants' consent to them (albeit with a reservation of rights for later potential challenge). ECF No. 228.

However, in light of the Court's Order directing that the Government provide unredacted copies of ECF Nos. 223 and 224 to the defense, there is no longer any need for the requested relief. The Government sought to file its motion *ex parte* because it was ancillary to an *ex parte* proceeding, and it would have revealed to defense counsel information, albeit unclassified, about the contours of the Government's planned CIPA Section 4 motion. This is the same information that the Government proposed redacting. Because the Court rejected that position and ordered the Government to provide unredacted versions of the two docket entries to defense counsel, there is no justification for keeping them from the public. Accordingly, the Government does not object

to ECF Nos. 223 and 224 being unsealed in full. Similarly, because there is no longer a need to justify limited redactions to ECF Nos. 223 and 224, the Government does not believe there is any longer a basis to seal this pleading. Nevertheless, because the Court has directed the Government to file it under seal, ECF No. 228, we have done so. The Government has no objection to its unsealing.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on December 1, 2023, I caused the foregoing document to be filed with the Clerk of the Court by hand delivery. I also certify that the foregoing document is being served this day on all counsel of record via email.

/s/ Julie A. Edelstein
Julie A. Edelstein